

## Message Text

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13  
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 NSAE-00 NSCE-00 SSO-00

USIE-00 INRE-00 PM-04 H-02 INR-07 L-03 NSC-05 PA-01

PRS-01 SP-02 SS-15 DHA-02 DPW-01 IO-13 /069 W

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FM AMEMBASSY MADRID

TO SECSTATE WASHDC IMMEDIATE 7381

C O N F I D E N T I A L MADRID 7516

E.O. 11652: GDS

TAGS: SHUM, MASS, SP

SUBJECT: CONGRESSIONAL REQUEST FOR HUMAN RIGHTS INFORMATION

REF: STATE 5641

1. WE CONCUR IN THE BASIC THRUST OF THE DRAFT BUT DO HAVE SOME SUGGESTIONS WHICH FOLLOW. WE CAN OFFER LITTLE IN THE WAY OF UP-DATE: A JUST-RELEASED PUBLICATION OF THE DIRECTORATE GENERAL OF PENAL INSTITUTIONS, FOR EXAMPLE, CONTAINS NO FIGURES ON PRISONERS BEYOND THE END OF 1975. OFFICIALLY, AS OF SEPT 21, 308 RPT 308 POLITICAL PRISONERS HAD BEEN RELEASED UNDER THE KING'S JULY AMNESTY. THIS PROCESS IS CONTINUING, BUT IT REQUIRES JUDICIAL DETERMINATION ON WHETHER ANY INDIVIDUAL CASE IS COVERED BY THAT MANESTY, AND THE RATE HAS SLOWED NOW THAT THE EASY CASES HAVE BEEN DISPOSED OF.

2. WE SUGGEST THAT FOREIGN MINISTER OREJA'S SIGNING IN NEW YORK OF THE 1966 UN PACTS ON CIVIL AND POLITICAL RIGHTS AND ON ECONOMIC AND SOCIAL RIGHTS IS WORTH MENTIONING, EITHER AT THE END OF SECTION I OR SOMEWHERE IN SECTION III. WHILE THE IMPACT OF THIS ACTION ON EVENTS AND PRACTICES IN SPAIN REMAINS TO BE SEEN, IT IS A FURTHER EARNEST OF THE GOVT'S INTENTIONS, AND AS A FORMAL, LEGALLY BINDING ACTION, IT DOES HAVE SIGNIFICANCE.

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3. MOST IMPORTANT IS THE ADDITION OF A PHRASE, PERHAPS  
AT THE END OF SECTION III PARAGRAPH A, ARTICLE 5, SUCH AS:  
"THE EFFORTS OF THE SUAREZ GOVT TO IMPROVE POLICE ADMINIS-  
TRATION AND PRACTICES HAVE HAD SOME EFFECT, PARTICULARLY  
IN SUPPRESSING THE USE OF TORTURE IN THE BASQUE PROVINCES.  
WITH REGARD TO POLICE BRUTALITY, HOWEVER, TENSIONS OF THE  
CONTINUING POLITICAL TRANSITION AND THE PERSISTENCE OF  
HEIGHTENED EMOTION, PARTICULARLY BUT NOT EXCLUSIVELY IN THE  
BASQUE REGION, MEANS THAT FUTURE INSTANCES OF EXCESSES BY  
POLICE ELEMENTS CAN BE ANTICIPATED." ADDITION OF SUCH A  
PHRASE, WE BELIEVE, WOULD HAVE THE DUAL MERIT OF CANDIDLY  
ACKNOWLEDGING THE SITUATION AS WE SEE IT AND OF PROVIDING A  
CONTEXT IN WHICH FUTURE CASES OF POLICE EXCESSES CAN BE SEEN.  
PUBLIC POLICY IS CLEARLY TO BRING THE POLICE UNDER CENTRAL  
DIRECTION AND CONTROL, BUT THE PROCESS IS BOUND TO TAKE TIME,  
PARTICULARLY AS THERE ARE THOSE WHO WOULD RESIST IT.  
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## Message Attributes

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